

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE COLLINS, CV F 05-00541 OWW DLB HC

Petitioner,

**ORDER VACATING FINDINGS AND
RECOMMENDATIONS AND GRANTING
PETITIONER'S REQUEST FOR EXTENSION
OF TIME TO SUBMIT IN FORMA PAUPERIS
APPLICATION**

DERRAL ADAMS, Warden,

[Docs. 4, 5]

Respondent.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner filed the instant petition on April 22, 2005. By order of April 28, 2005, the Court directed Petitioner to submit a completed in forma pauperis application or pay the \$5.00 filing fee. Petitioner failed to do either. Therefore, on June 10, 2005, the Court issued Findings and Recommendations recommending that the instant action be dismissed for failure to comply with a court order.

On June 28, 2005, Petitioner filed a request for an extension of time to submit his in forma pauperis application. Good cause having been presented, Petitioner's request for an extension of time is GRANTED.

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1 Based on the foregoing, it is HEREBY ORDERED that:

- 2 1. The Findings and Recommendation of April 22, 2005, are VACATED; and
3 2. Within thirty (30) days from the date of service of this order, Petitioner shall
4 submit a complete in forma pauperis application or pay the \$5.00 filing fee.

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6 IT IS SO ORDERED.

7 Dated: July 21, 2005
ah014d

8 /s/ Dennis L. Beck
9 UNITED STATES MAGISTRATE JUDGE

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